

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

RODNEY DEWAYNE MOORE,)
)
Plaintiff,)
)
v.) No. 4:09-CV-1772 CAS
)
AUTOMOTIVE INDUSTRY, et al.,)
)
Defendants.)

MEMORANDUM AND ORDER

This matter is before the Court upon the motion of plaintiff for leave to commence this action without prepayment of the filing fee pursuant to 28 U.S.C. § 1915. Upon consideration of the financial information provided with the motion, the Court finds that plaintiff is financially unable to pay any portion of the filing fee. As a result, plaintiff will be granted leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. Additionally, the Court has reviewed the complaint and will dismiss it pursuant to 28 U.S.C. § 1915(e)(2)(B).

28 U.S.C. § 1915(e)

Pursuant to 28 U.S.C. § 1915(e)(2)(B), the Court may dismiss a complaint filed in forma pauperis if the action is frivolous, malicious, fails to state a claim upon which relief can be granted, or seeks monetary relief against a defendant who is immune from such relief. An action is legally frivolous if “it lacks an arguable basis in either law or in fact.” Neitzke v. Williams, 490 U.S. 319, 328 (1989). An action is factually frivolous if the facts alleged are “clearly baseless”; alleged facts are clearly baseless if they are “fanciful,” “delusional,” or “fantastic.” Denton v. Hernandez, 504 U.S. 25, 32-33 (1992). An action fails to state a claim upon which relief can be granted if does not plead

“enough facts to state a claim to relief that is plausible on its face.” Bell Atlantic Corp. v. Twombly, 127 S. Ct. 1955, 1974 (2007).

The Complaint

Plaintiff brings this action against the “Automotive Industry, Lamborghini, Lexus, Mercedes Benz, Cadillac, Infiniti, Acura: most manufactured automobiles.” Plaintiff claims that he has not “seen a car [he] did not invent in the past 14 years.” Thus, plaintiff asserts that he would “like the Court to help [him] retrieve billions from the Automotive Industry.” He claims that he has “designed every car [that] car manufacturers have made for up to 2010 since 1995.” He asserts that he “graduated from a technical college a genius.” Plaintiff requests that the Court “see to [him] gaining the royalties from [his] work.”

Plaintiff has not stated the grounds under which this Court allegedly has jurisdiction of his action, nor has he articulated his exact cause of action against his over-generalized defendants. Moreover, the instant action is factually frivolous under Denton.

Accordingly,

IT IS HEREBY ORDERED that plaintiff’s motion to proceed in forma pauperis is **GRANTED**. [Doc. 2]

IT IS FURTHER ORDERED that the Clerk shall not issue process or cause process to issue upon the complaint because the complaint is legally frivolous or fails to state a claim upon which relief can be granted, or both.

An appropriate Order of Dismissal shall accompany this Memorandum and Order.



CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 4th day of November, 2009.